

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

J & M Development of Cass County, Inc.

Case No. 04-41065 - jwv

Debtor.

MOTION TO LIFT/MODIFY STAY OF PROCEEDINGS
AS TO BANK OF BELTON

Comes now J & M Development of Cass County, Inc., by and through counsel, and asks that the Court modify/lift stay as to the Bank of Belton in the following regard:

1. Debtor has, as Appellant, an Appeal pending in the Missouri Court of Appeals, Western District, Case No. WD63310.
2. Appellant filed its Brief with the Court of Appeals on January 8, 2004. Respondent, Bank of Belton, asked for an extension of time and it's brief would have been due on or about March 8, 2004.
3. The filing of this Chapter 11 stayed proceedings involving the Debtor. Bank of Belton filed a Suggestion of Bankruptcy with the Court of Appeals and on March 2, 2004, the Court's docket entry reflects "Appeal Suspended".
4. That the Missouri Court of Appeals, Western District, is the appropriate place to determine the issues on appeal. The appeal involves title to the major asset of the corporation, real estate located in Cass County, Missouri, subject to judgment and order of the Circuit Court of Cass County, Missouri, in Case No. CV100-635CC.

WHEREFORE, Debtor asks that the Court modify and/or lift the stay as to the Bank of Belton, who is Respondent in the Court of Appeals proceeding and allow such appeal to proceed in the Missouri Court of Appeals, leaving in place the stay regarding any execution against Debtor's real estate by the bank, and such other relief as may be just and proper.

CROUCH, SPANGLER & DOUGLAS
117 S. Lexington, P.O. Box 280
Harrisonville, MO., 64701
Phone: 816-380-3238
Fax: 816-380-2976

By /s/ Charles E. Weedman, Jr.
Charles E. Weedman, Jr., #29319
e-mail: cweedman@csdlaw.net
ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I, Charles E. Weedman, Jr., hereby certify that I served a copy of the above and foregoing on the following this 15th day of March, 2004:

Kelly Ann Campbell
Attorney for Bank of Belton
FAXED TO: 816-474-3216

Terence G. Lord
Clerk
Missouri Court of Appeals
Western District
1300 Oak Street
Kansas City, MO., 64105-2970
(Missouri Court of Appeals Case No. WD 63310)

Lynn K. Ballew
Attorney for J & M Development of Cass County, Inc.
(Missouri Court of Appeals Case No. WD 63310)
FAXED TO: 816-380-3415

/s/ Charles E. Weedman, Jr.
Charles E. Weedman, Jr.